IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 5550 of 1993

Between:

1 P.V.Krishna rao S/o.Veeranna
2 P.Suryakumari W/o.P.V.Krishna Rao

..... PETITIONERS

AND

District Cooperative Central Bank Limited,
Eluru Branch at Gopalapuram, W.G.Dist.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondent bank to postpone the collection of recovery of loans issued to the petitioners up to 31-03-1994.

Counsel for Petitioners: MS. A.CHAYA DEVI

Counsel for the Respondent: MR S.VENKAT REDDY

The Court made the following:

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ORDER:

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This writ petition is filed seeking a Writ of Mandamus to direct the respondent-District Cooperative Central Bank Limited, Eluru Branch at Gopalapuram, West Godavari District (for short, 'bank') to postpone the collection of recovery of loans obtained by the petitioners to the tune of Rs.23,000/- and Rs.12,000/- for the purpose of construction of Tobacco farms and for maintaining Dairy form respectively.

The petitioners are loanees of the respondent-bank, which is a Society, registered under the A.P. Cooperative Societies Act, 1964. On the ground that coersive steps are being taken and in view of the prevailing drought conditions then, the writ petition was filed seeking postponement of the collection of recovery of loans obtained by the petitioners.

So far as the postponement of collection of recovery of loans is concerned, it is the administrative consideration of the respondent-bank authorities and there cannot be any Mandamus as sought for. But, however, this Court by an order dated 29-04-1993 in W.P.M.P.No.7105 of 1993, directed the respondent not to take coersive steps to realize the loans from the petitioners subject to condition of the petitioners depositing one-fourth of the amount due as on that date within six weeks from the date of that order. It is submitted by the learned Counsel for the respondent that the said amount has already been paid by the petitioners. However, it is submitted by the learned Counsel for petitioners that as per the Agricultural Rural Debt Relief Scheme, 1990 issued by the State Government in G.O.Ms.No.665, dated 17-10-1990, the petitioners are eligible for the benefit of the said Scheme. But, however, the same cannot be considered by this Court in view of the absence of any

prayer in the writ petition.

In that view of the matter, I dispose of the writ petition directing the petitioners to pay if any further amount is due to the respondent-bank on their loan amounts within two months from today. If the petitioners are seeking any relief of the said G.O., it is for them to file a fresh application before the respondent-bank and if such application is filed, it is open for the respondent-bank to consider the same.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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R.SUBHASH REDDY, J

15th February, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Branch Manager, District Cooperative Central Bank Limited,

Eluru Branch at Gopalapuram, West Godavari District.

2. Two CD copies.

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